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9 Attorneys for Plaintiffs,
10 UMG RECORDINGS, INC., INTERSCOPE RECORDS;
11 CAPITOL RECORDS, INC.; VIRGIN RECORDS AMERICA, INC.;
12 and ARISTA RECORDS LLC.

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UMG RECORDINGS, INC., a Delaware corporation; INTERSCOPE RECORDS, a California general partnership; CAPITOL RECORDS, INC., a Delaware corporation; VIRGIN RECORDS AMERICA, INC., a California corporation; and ARISTA RECORDS LLC, a Delaware limited liability company,

Plaintiffs,

v.

JOHN DOE,

Defendant.

CASE NO. C 07-04119 HRL

The Honorable Howard R. Lloyd

**EX PARTE APPLICATION TO CONTINUE
CASE MANAGEMENT CONFERENCE
AND EXTEND TIME TO SERVE
DEFENDANT AND AMENDED ORDER**

1 Plaintiffs respectfully request that the Court continue the case management conference
2 currently set for November 13, 2007, at 1:30 p.m. to February 12, 2008. Plaintiffs further request,
3 pursuant to the Federal Rules of Civil Procedure, Rules 4(m) and 6(b)(1), that Plaintiffs' time to
4 serve the Summons and Complaint on Defendant John Doe ("Defendant") be extended from
5 December 7, 2007 to March 6, 2008.

6 Plaintiffs filed the Complaint against Defendant on August 9, 2007. Also on August 9, 2007,
7 Plaintiffs filed their *Ex Parte* Application for Leave to Take Immediate Discovery, seeking the
8 Court's permission to serve a Rule 45 subpoena on Stanford University ("Stanford") so that
9 Plaintiffs could obtain information sufficient to identify Defendant. On August 20, 2007, this Court
10 issued its Order Granting Plaintiffs' *Ex Parte* Application for Leave to Take Immediate Discovery.
11 Pursuant to the Court's Order, Plaintiffs have served Stanford with a Rule 45 subpoena directing
12 Stanford to produce certain information necessary to identify Defendant. Plaintiffs expect Stanford
13 to respond to the subpoena on November 14, 2007.

14 Because Plaintiffs cannot identify Defendant until Stanford has responded to Plaintiffs'
15 subpoena, there is not yet a known defendant with whom to confer, and a case management
16 conference is unnecessary at this time. Plaintiffs therefore respectfully request that the Court
17 continue the case management conference currently set for November 13, 2007, at 1:30 p.m. to
18 February 12, 2008. Given the foregoing circumstances, and because the original time period for
19 Plaintiffs to serve the Summons and Complaint on Defendant will expire on December 7, 2007,
20 Plaintiffs further request that the time to serve the Summons and Complaint on Defendant be
21 extended to March 6, 2008.

22 Dated: November 6, 2007

HOLME ROBERTS & OWEN LLP

23 By: /s/ Matthew Franklin Jaksa
24 Matthew Franklin Jaksa
25 Attorney for Plaintiffs
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1 **AMENDED ORDER**

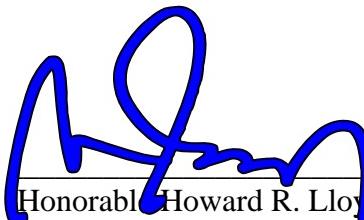
2 Good cause having been shown:

3 **IT IS ORDERED** that the case management conference currently set for November 13,
4 2007, at 1:30 p.m. be continued to February 26, 2008.

5 **IT IS FURTHER ORDERED** that, pursuant to the Federal Rules of Civil Procedure, Rules
6 4(m) and 6(b)(1), Plaintiffs' time to serve the Summons and Complaint on Defendant be extended to
7 January 7, 2008.

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10 Dated: 11/9/07

11 By:

12 
13 Honorable Howard R. Lloyd
14 United States Magistrate Judge